IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.906 OF 2006

Ishwari Narayan Prabhu Singh .. Applicant.
Vs.
The State of Maharashtra & Anr. .. Respondents.

Mr.S.L.Kapse for the applicant.
Mr.S.V.More A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 3RD JULY, 2006

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. This application is directed against the order dated 21.1.2006 passed by the Metropolitan Magistrate 18th Court, Girgaon, Mumbai rejecting the application filed by the applicant-complainant under section 311 of the Code of Criminal Procedure for recalling of the witness. In the application under section 311 the applicant has stated that in view of the evidence of the accused recorded on 29.6.2004 it has become necessary to produce certain documents to prove a falsity of the statements of the accused in their evidence. This application was filed at the stage of

final arguments. It was possible for the complainant to confront the witness of the accused with the document which he seeks to produce at this stage. Moreover, the perusal of the application shows that no explanation whatsoever is offerred as to why those documents were not produced while recording the evidence of the complainant's witness or even while cross examining the witnesses of the accused. In the circumstances I find no fault with the order passed by the trial Court. The application is rejected.

(D.B.Bhosale, J.)